

MARK STEGER SMITH
Assistant U.S. Attorney
U.S. Attorney's Office
2601 Second Avenue North
Suite 3200
Billings, MT 59101
Ph: (406) 247-4667
Fax: (406) 657-6058
mark.smith3@usdoj.gov

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

ARWYN CARROLL (MA Bar 675926)
LUTHER L. HAJEK (CO Bar 44303)
Natural Resources Section
P.O. Box 7611
Washington, D.C. 20044-7611
Ph: (202) 305-0465
Fax: (202) 305-0506
arwyn.carroll@usdoj.gov
luke.hajek@usdoj.gov

Counsel for Federal Defendant

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

WESTERN ORGANIZATION OF)
RESOURCE COUNCILS, *et al.*,)
)
Plaintiffs,) Case No. 4:20-cv-00076-BMM-JTJ
)
v.)
)
U.S. BUREAU OF LAND)
MANAGEMENT,)
)
Defendant, and)
)
STATE OF WYOMING,)
)
Intervenor Defendant.)
)

The United States Bureau of Land Management (BLM) respectfully requests that the Court continue the hearing currently scheduled for March 14, 2022. In lieu of filing a reply in support of their cross-motion for summary judgment, Federal Defendants moved today for remand without vacatur of the decisions challenged by Plaintiffs in this action. ECF No. 62. Under the timeframes set by the local rules, any opposition to this motion for remand would be due on March 18, 2022, and any reply briefs by March 25, 2022—both after the hearing currently scheduled in this action.

Because the Court's and the parties' resources would be best conserved by conducting and attending a single hearing to address all issues that remain pending after briefing on all pending motions is complete, Federal Defendants respectfully request that the Court continue the scheduled hearing until after briefing is complete on Federal Defendants' motion for remand. No preliminary injunction was requested or issued in this case, and the case was not set for an expedited schedule. Continuing the scheduled hearing will thus not prejudice any party.

Should the Court deny this motion and hold a hearing on March 14, counsel for Federal Defendant respectfully requests permission to attend the hearing virtually in light of travel restrictions imposed by Department of Justice COVID policies.

In accordance with L.R. 7.1(1), counsel for Federal Defendants has conferred with counsel for Plaintiffs and Intervenor-Defendant. Plaintiffs oppose a continuation of the hearing, but do not oppose undersigned counsel's request to

appear virtually should the hearing occur as scheduled. The State of Wyoming does not oppose any relief requested in this motion.

Respectfully submitted this 4th day of March, 2022.

TODD KIM
Assistant Attorney General
Environment & Natural Resources Division

/s/ Arwyn Carroll
ARWYN CARROLL (MA Bar 675926)
Trial Attorney, Natural Resources Section
United States Department of Justice
Environment and Natural Resources Div.
P.O. Box 7611
Washington, D.C. 20044-7611
Phone: 202-305-0465
Fax: 202-305-0506
arwyn.carroll@usdoj.gov

LUTHER L. HAJEK (CO Bar 44303)
Trial Attorney, Natural Resources Section
United States Department of Justice
Environment and Natural Resources Div.
999 18th St., South Terrace, Suite 370
Denver, CO 80202
Phone: (303) 844-1376
Fax: (303) 844-1350
luke.hajek@usdoj.gov

LEIF M. JOHNSON
United States Attorney

MARK STEGER SMITH
Assistant U.S. Attorney
U.S. Attorney's Office
2601 Second Avenue North, Suite 3200
Billings, MT 59101
Phone: (406) 247-4667

Fax: (406) 657-6058
mark.smith3@usdoj.gov

Counsel for Federal Defendant